

12th SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING ECONOMIC SECURITY

Response by Canada

National Legal and Policy Framework

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

The economic security of older persons is a shared responsibility of the federal, territorial and provincial governments, as it is impacted by multiple factors. Canada's domestic human rights framework protects economic, social and cultural rights of older persons in part, along with other legislation, policies and programs targeting aspects such as adequate housing and adequate standard of living.

This legal framework includes human rights protections for older persons in Canada's Constitution under the *Canadian Charter of Rights and Freedoms* (Charter), and the *Canadian Human Rights Act* and similar provincial and territorial anti-discrimination legislation. The Charter guarantees a broad range of rights and freedoms to all persons. Section 15 of the Charter provides that every individual is equal before and under the law and has the right to equal protection and benefit of the law without discrimination, including on the basis of age. Provincial and federal anti-discrimination legislation also prohibit discrimination on various grounds, for example in regards to employment matters, the provision of goods, services and facilities customarily available to the public and residential accommodation.

Many other statutes, programs and policies are also intended to implement economic, social and cultural rights for all people in Canada, including older persons, such as labour and employment standards legislation, and social security legislation.

In Canada, social protection, and in particular income security, is a shared responsibility across different orders of government. Although Canada's provinces and territories (PTs) are primarily responsible for social assistance programming, the Government of Canada provides significant financial support to PTs to assist in the provision of programs and services.

The Old Age Security (OAS) contributes to income replacement in retirement and helps to reduce poverty among seniors. The program includes:

- The OAS pension, which is provided to seniors aged 65 and over who meet the residence requirements.
- The income-tested Guaranteed Income Supplement (GIS), which is provided to low-income OAS pensioners.

The Allowances are provided to low-income 60-64 year-old individuals who are the spouses or common-law partners of GIS recipients, or who are widows or widowers.

With respect to the right to an adequate standard of living, in 2018, the Government of Canada released *Opportunity for All: Canada's First Poverty Reduction Strategy*. The strategy establishes an official measure of poverty and includes a target to reduce poverty by 20 percent by 2020 and by 50 percent by 2030 relative to 2015 levels. Results from the 2019 Canadian Income Survey show that the overall poverty rate decreased by 30% from 2015 to 2019. This means that Canada has met its interim target to reduce poverty by 20 percent by 2020 and is making meaningful progress towards the 2030 target. Between 2015 and 2019, over 1.3 million Canadians were lifted out of poverty, including 435,000 children and 45,000 seniors. Older persons' adequate standard of living is protected through multiple measures relating to affordable housing and health care.

Lastly, Canada ratified the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) in 2010. The CRPD protects and promotes the rights and dignity of persons with disabilities without discrimination and on an equal basis with others. The CRPD includes articles on work and employment (Article 27) and adequate standard of living and social protection (Article 28).

2. How is poverty defined in the national policy framework?

The *Poverty Reduction Act* (2019) established Canada's Official Poverty Line, which is based on the Market Basket Measure (MBM). The MBM establishes income thresholds based on the cost of a basket of food, clothing, shelter, transportation, and other items for individuals and families representing a modest, basic standard of living, across 53 regions. If a person's or a family's disposable income is below the MBM threshold for the region in which they live in a given year, they are considered to be living in poverty.

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

Older Canadians are a diverse population that have different needs and face diverse socioeconomic challenges related to many factors including income, labour force participation, social inclusion, health and housing. In Canada, the poverty rate among seniors decreased between 2015 and 2019. However, some subgroups of seniors such as seniors living with a disability, recent immigrants and Indigenous seniors remain at higher risk of poverty.

With respect to seniors with disabilities, the Government of Canada acknowledges the multiple and intersecting forms of marginalization and discrimination faced by persons with disabilities and applies a disability lens to decision-making. For example, to ensure an inclusive approach to its pandemic response and overall decision-making, the Government of Canada established the COVID-19 Disability Advisory Group (CDAG) in April 2020 to put a disability lens on the Government's emergency response and actively involve persons with disabilities. Its creation was highlighted as a promising practice by the Office of the High Commissioner for Human Rights. The Minister renewed and broadened CDAG's mandate to continue to provide advice on disability inclusion within Government priorities and on implementation of government programs and policies.

4. What data, statistics and research are available regarding older persons living in poverty?

The Market Basket Measure (MBM) was adopted as Canada's Official Poverty Line in June 2019. According to the MBM, a family lives in poverty if it does not have enough income to purchase a specific basket of goods and services in its community. Statistics Canada publishes annual poverty

estimates for many different demographic groups using the Canadian Income Survey (CIS), including for seniors (persons aged 65 years or older). According to the MBM for CIS 2019 (released on March 23, 2021) about 349,000 persons aged 65 and older, or 5.4% of the senior population, lived in poverty in 2019. Compared with 2015, 45,000 fewer seniors lived in poverty in 2019.¹

In addition to the annual estimates produced by CIS, the Census provides more detailed poverty estimates every five years. With the Government of Canada release of Opportunity for All, Canada's First Poverty Reduction Strategy, the Canadian government recognized that poverty is a multifaceted problem that cannot be fully captured by considering income and costs alone, as is done with the MBM.

The social and economic impacts of the COVID-19 pandemic has fueled an extraordinary demand for real-time, high quality data on Canada's people, society and economy. In step with this demand, Statistics Canada hastened its data collection and dissemination of insights on the impacts of COVID-19 on businesses and individuals. As evident through COVID-19: A data perspective, which showcases a series of articles on various subjects that explore the impact of COVID-19 on the socio-economic landscape. For example, Impact of the COVID-19 pandemic on Canadian seniors, brings together insights on the health, social and financial impacts of the COVID-19 pandemic on Canadian seniors aged 65 years and older.

Progressive realization and the use of maximum available resources

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

The Old Age Security (OAS) program provides a minimum income guarantee to all seniors who meet the residence requirements.

The Canadian Retirement Income system consists of the tax-funded universal Old Age Security and Guaranteed Income Supplement for low-income seniors, contributory-based Canada and Quebec Pension Plans and government-assisted private pension saving vehicles ensure economic security of seniors.

Over the years, the Government of Canada has made improvements to public pensions to facilitate the work-to-retirement transition and to address seniors' poverty, including the 2016 increase of the GIS for the lowest-income single seniors. At that time, this measure benefitted close to 900,000 seniors.

Recently, the Government of Canada increased regular OAS payments for pensioners aged 75 and older by 10 percent as of July 2022 and is planning to increase the GIS by \$500 for single seniors and \$750 for couples starting at age 65.

Canada is also very active in pursuing social security agreements with other countries in order to protect the income security and pension eligibility of individuals that have lived or worked in Canada and another country, as well as to promote the competitiveness of Canadian companies operating abroad.

¹ For more information, see Statistics Canada's The Daily (<https://www150.statcan.gc.ca/n1/daily-quotidien/210323/dq210323a-eng.htm>) and Table11-10-0135-01: Low income statistics by age, sex and economic family type (<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1110013501>).

Social security agreements recognize Canadian and foreign pension system creditable periods to establish eligibility to pensions and strive to reduce or eliminate restrictions based on citizenship or the payment of benefits abroad that may prevent individuals from receiving pensions. As a result, social security agreements provide higher sources of income to vulnerable populations (e.g. migrant seniors, survivors and persons with disabilities). To date, Canada has concluded bilateral social security agreements with 61 countries, of which 59 are in force.

6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

The Government of Canada's poverty reduction efforts are showing positive effects. The most recent Canadian Income Survey data (2019) show that between 2015 and 2019, the poverty rate among seniors decreased from 7.0% to 5.4%, which corresponds to 45,000 seniors who have been lifted out of poverty.

As the proportion of workers in Canada covered by a workplace pension plan has diminished, the federal and provincial governments took the decision to expand Canada Pension Plan (CPP) and Quebec Pension Plan (QPP). CPP and QPP are mandatory for workers, their employers and self-employed individuals. From 2019, the CPP/QPP began to grow to replace one third of the average work earnings, instead of the current one-quarter. This change may potentially increase CPP/QPP pensions by more than 50% by 2065. The younger generations will benefit the most from the enhancement, as it takes 40 years to provide the full benefit due to the full-funding requirement.

7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

Efforts have been made at different levels of governments to increase coordination across governments to ensure that no Canadian is left behind. Service Canada has also made efforts to improve service delivery, including automatic enrollment in some benefits (e.g.; for seniors) in order to ensure that all Canadians get the benefits they are entitled to. Regarding sustainability, ensuring diversified systems, such as Canada's retirement system, enables the mitigation of risks both from the angle of benefit amounts and overall system stability. Furthermore, the Canada Pension Plan is financially sustainable.

With respect to employment of older persons, each year, the Government of Canada provides over \$3 billion for skills training and employment supports to help Canadian workers improve their skills, as well as find and keep employment through the Labour Market Development Agreements (LMDA) and the Workforce Development Agreements (WDA) with provinces and territories (PTs). The programs and services funded by these bilateral agreements reach Canadians in all parts of the country, in urban, rural and remote settings and provide over a million training and employment supports to individuals and employers each year, including for older workers. The WDAs include dedicated funding for persons with disabilities, and can also be used to support members of underrepresented groups, including older workers. Each year, workers over the age of 50 years, receive more than 230,000 training and employment supports funded by these labour market transfers.

Recent amendments made to the Canada Labour Code illustrate good practices aimed at addressing the unique challenges faced by older persons at work. These changes include the: introduction in 2019 of the right to request flexible work arrangements, introduction in 2019 of five days personal leave, new

\$15 federal minimum wage. Finally, additional changes expected to support older persons at work that are not yet in force. This includes the introduction of a maximum of ten paid days of medical leave as well as equal pay provisions that prohibit employers in the federally regulated private sector from paying two employees performing the same work at different wage rates based solely on their employment status.

Equality and non-discrimination

8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

Canada's human rights framework provides protection against age-based discrimination. Section 15(1) of the *Canadian Charter of Rights and Freedoms* (Charter) guarantees the right to equality before and under the law, the right to equal benefit and protection of the law without discrimination on grounds enumerated in s. 15(1) – including age - or those analogous to them. The Charter also protects against discrimination based on an intersection of grounds, such as age and disability or age and sex. The rights in the Charter are subject only to such reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society. The protections in the Charter apply to legislation and actions of the Government of Canada, provincial and territorial governments and municipal governments, and extend to a full range of governmental entities and activities, such as hiring practices, the provision of public services and public benefits.

Federal, provincial and territorial governments have also adopted specific anti-discrimination legislation prohibiting discrimination on various grounds, including age. Under the *Canadian Human Rights Act*, the protection extends to older persons who receive services from or are employed by the Government of Canada or work in the private sector in areas regulated by the Government of Canada such as banks and airlines. Similar protection can be found at the provincial and territorial level as those employers or service providers are subjected to relevant provincial or territorial legislation on this matter.

Additionally, the Federal, Provincial and Territorial Ministers Responsible for Seniors Forum (Forum) had identified ageism and its social and economic impacts as a key priority for the 2018-2021 work cycle, and this work will carry over during the 2022-2025 work cycle. To that end, the Forum commissioned two reports: “An Examination of the Social and Economic Impacts of Ageism,” and “A Case Study on Ageism during the COVID-19 Pandemic.”

In terms of access to adequate housing, Canada's National Housing Strategy (NHS) – a 10-year, \$72+ billion plan for housing – prioritizes the most vulnerable people (i.e., those in a disadvantaged position or marginalized). As such, a number of NHS programs support seniors. For example, the National Housing Co-Investment Fund, which will create at least 7,000 new affordable units for seniors, and support renovations to improve accessibility and allow seniors to age in place.

Regarding access to financial services, Canadian banks have agreed to a Code of Conduct for the Delivery of Banking Services to Seniors. This Code requires banks to take into account the needs of seniors when proceeding with branch closures, facilitate communication with seniors, provide appropriate training to their employees who serve seniors, and publicly disclose the steps they have taken to support seniors.²

² Link to seniors Code: [vol-seniors-en.pdf \(cba.ca\)](https://www.cba.ca/vol-seniors-en.pdf)

Remedies and Redress

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

Various modes of redress for economic and social rights violations are available, depending on the nature of the right infringed and the form of remedy sought. The primary means of enforcing human rights codes and legislation is through human rights commissions or tribunals established under the relevant legislation. The process for making a complaint under human rights codes varies from jurisdiction to jurisdiction but in general the process is meant to be informal and accessible – a simple form is completed by a complainant who may be assisted by a human rights commission or tribunal official in initiating the process. Decisions of commissions or tribunals are subject to judicial review by the courts. The courts (provincial and federal) have jurisdiction to determine whether there have been violations of the Charter, including civil claims alleging Charter violations. If a challenge based on the Charter is successful, the courts may declare a law of no force and effect or provide an appropriate and just remedy to anyone whose Charter rights have been infringed or denied. Some boards and tribunals are also able to make findings regarding the consistency of legislation and programs with the Charter.

Regarding complaints about the Canada Pension Plan and the Old Age Security program, a person can make a complaint to the Social Security Tribunal (SST) of Canada and seek remedies such as the payment of a benefit or the reassessment of an administrative decision. The decisions of the SST are subject to judicial review.

Finally, for complaints against financial institutions, the *Bank Act* requires that all banks have an approved internal complaint handling process that follows the legislation and guidelines set out by the Financial Consumer Agency of Canada. In addition, all banks are required to be members of an approved external complaint handling body (ECB). If consumers are unhappy with the results of their complaint, they can take their complaint to the ECB for an independent review of the complaint. Employees who serve seniors, including those dealing with complaints, are required to receive appropriate training.
